

HOUSE BILL NO. 1280

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARKINSON.

2665H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 79, RSMo, by adding thereto three new sections relating to recall of elected officials in certain cities.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 79, RSMo, is amended by adding thereto three new sections, to be known as sections 79.041, 79.042, and 79.043, to read as follows:

79.041. 1. The holder of any elective office in any city of the fourth classification in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants may be removed by the qualified voters of such city by recall petition in accordance with the procedure set out in sections 79.041 to 79.043 subject to all of the following limitations:

(1) The officer has held office for at least six months;

(2) In the case of an office for a term of two years only, one recall petition may be filed during such term;

(3) For a term of office more than two years, additional recall petitions may be filed but not less than six months later after voter disapproval of the last recall petition; and

(4) The recalled officer may not be a candidate to succeed himself or herself at a special election held to fill the vacancy created by his or her recall, nor may he or she be appointed by the appointing authority to fill the vacancy.

2. A petition signed by voters entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five percent of the total number of registered voters in such city entitled to vote for a successor to the incumbent sought to be removed, demanding the recall of a person from elective office shall be filed with the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 appropriate county clerk or election authority. Such petition for recall shall contain a
 19 statement of the reasons for which recall is sought that shall not be more than two hundred
 20 words in length. Such petition for recall shall be filed with the appropriate county clerk
 21 or election authority within sixty days after the date of the earliest signature on the
 22 petition. The reasons for recall are misconduct in office, incompetence, or failure to
 23 perform duties prescribed by law. The signatures to the petition need not all be appended
 24 to one paper, but each signer shall add to his or her signature his or her place of residence,
 25 giving the street and number and the date signed. One of the signers of each such paper
 26 shall make oath before an officer competent to administer oaths that the statements therein
 27 made are true as he or she believes and that each signature to the paper appended is the
 28 genuine signature of the person whose name it purports to be.

79.042. Within ten days from the date of filing such petition, the county clerk of
 2 such city shall examine and from the voters' register ascertain whether such petition is
 3 signed by the requisite number of voters, and if necessary the council shall allow him or
 4 her extra help for the purpose; and he or she shall attach to such petition his or her
 5 certificate, showing the result of such examination. If by the clerk's certificate the petition
 6 is shown to be insufficient, it may be amended within ten days from the date of such
 7 certificate. The clerk shall, within ten days after such amendment, make like examination
 8 of the amended petition, and if his or her certificate shall show the same to be insufficient,
 9 it shall be returned to the person filing the same, without prejudice, however, to the filing
 10 of a new petition to the same effect. If the petition shall be deemed to be sufficient, the
 11 clerk shall submit the same to the council without delay. If the petition shall be found to
 12 be sufficient, the council shall order the question to be submitted to the voters of the city.

79.043. 1. A special election shall be held on the recall petition as soon as
 2 practicable and as may be determined by the election authority of the county. The
 3 question to be presented to the voters at such election shall be in substantially the following
 4 form:

5 FOR the removal of (name of officer) from the office of
 6 (title of office)

7 AGAINST the removal of (name of officer) from the office of
 8 (title of office)

9 2. If a majority of the qualified electors voting on the question at such election vote
 10 FOR the removal of such officer, a vacancy shall exist in such office. If a majority of the
 11 qualified electors voting on the question at such election vote AGAINST the removal of
 12 such officer, such officer shall continue to serve during the term for which elected.

